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FOR PUBLIC AFFAIRS STAFF

PROGRAM The Carol Randolph Show STATION WDVM-TV

DATE June 24, 1986 10:00 A.M. CITY Washington, D.C.

SUBJECT Controlling Leaks to the Press

STAT [redacted] CAROL RANDOLPH: Are leaks to the press getting out of hand, and should some members of the press be prosecuted? Join us and call in your opinion as we discuss national security and

STAT [redacted] the media with my guests: John Greaney, Executive Director, Association of Former Intelligence Officers; Herb Hetu, former Navy public information officer and former CIA public affairs officer; Rita Braver, CBS correspondent; Tom Diaz, Assistant Managing Editor for the Washington Times; and Jim Anderson, diplomatic correspondent with United Press International.

It's a pleasure to have all of you here this morning.

Is this much ado about nothing? I mean does Mr. Casey really have a legitimate gripe here?

JOHN GREANEY: Mr. Casey, as Director of Central Intelligence, has a statutory mandate to protect intelligence sources and methods from unauthorized disclosure. The Congress gave him that responsibility. He's merely exercising his statutory responsibility.

RANDOLPH: That's a law that's been on the books since 1950, though, John.

GREANEY: No, this is '47, the National Security Act. The statute that you're referring to is the Communications Intelligence Act.

RANDOLPH: The one that he wants to enforce.

GREANEY: Which is a very narrow statute that has specific items involved. And I think he merely referred it to

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the Attorney General for his consideration. Mr. Casey was not going to prosecute anybody.

JIM ANDERSON: I just wanted to say what Mr. Casey has not said and what you're not saying is that the biggest leaker in town, by far, is the U.S. Government, the official part of the U.S. Government. And in this case, particularly with this Administration, the Administration comes to court with unclean hands.

RANDOLPH: Like the pot calling the kettle black. Is that what we're talking about here?

ANDERSON: I'm saying that there are good leaks and there are bad leaks, and they're talking about prosecuting bad leaks. The good leaks, which have come almost in uninterrupted torrent from the White House, are perfectly okay.

For example, the case of the Soviet freighter bound for Nicaragua obviously came from the CIA because it supported the President's point of view that he is being tough against the Sandinistas. There's no threat of prosecution there.

GREANEY: Because that doesn't disclose sources and methods. You've made a judgment, you've got the intelligence, you're going to use it. The President has the authority to use intelligence. It's given to him for his use.

But the unauthorized disclosure of classified material is a different problem.

RANDOLPH: Well, what about the...

TOM DIAZ: There is another point here that hasn't been brought out, and that is this: Sure, Mr. Casey is responsible for protecting sources and methods and national security. But it's a question of methods of how he goes about doing it. And the debate is whether the best way to do that is to threaten the press or whether it is to control leaks within the Administration.

And there's another problem here, too. The power to classify information has been so degraded because it's so widely used in the Administration, in the government, that people simply don't respect that stamp as much as they should.

GREANEY: But you see, that's another problem, though.

DIAZ: But it's related to this problem.

RANDOLPH: Congressman Edwards says that this Administration is guilty of overclassifying everything, that we ought to

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go through and streamline it.

GREANEY: I don't think he's a valid authority. He left the FBI under some very strange circumstances, and he doesn't like to talk about that.

RANDOLPH: But does he have a good argument here?

GREANEY: No, he doesn't have a good argument.

RANDOLPH: You think he does have a good argument.

HERB HETU: Yeah, I do. Because -- and I [unintelligible] disagree with my friend John. But I know that one of the most dangerous things that happens in government is people who leak things, and they don't know what they're leaking because they don't respect the classification system. And particularly in the national security area, where you have instant Assistant Secretaries of State and Defense who are given instant clearances and don't really understand the material that they're handling. That scares me to death.

RITA BRAVER: One of the things that Mr. Casey has been upset about has been the discussion of intercepted Libyan cables. That's something that the President spoke about in his own news conference. It's also something that I happen to have reported on, and I know that this information came from within the White House. It was clear to me when I was reporting on this story, because it's not an area that I usually cover, that it was a message that the White House wanted to get out.

Unfortunately, what you sometimes have is a situation where signals are crossed, where someone in the CIA isn't aware that somebody in the White House wants to leak something. So you have people with different agendas. And lots of times reporters are simply trying to get the information. They don't really care how they get it, as long as they can try to explain to people why the United States is going after Libya.

RANDOLPH: So why punish the messenger, in that instance?

BRAVER: I think that's exactly right.

And I think you also have another agenda for Mr. Casey here, as well. We reported on CBS that Mr. Casey is in fact very concerned about a forthcoming book about him that Bob Woodward from the Washington Post is writing. A lot of people in town are aware of this. Mr. Casey appears to be afraid that he is going to be accused of being the source of some of the information in it. And this seems to be something that he is very worried about.

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RANDOLPH: What about these issues, too, that the people who are responsible for leaking -- or covering these issues don't have the same kind of sense of responsibility, if you will, that have been perhaps there in the press a long time ago?

BRAVER: I think that's totally unfair. And I'm sure that all of us have...

GREANEY: Well, I think the person you mentioned, though, doesn't have any responsibility. Bob Woodward.

BRAVER: I think that there are instances where Bob Woodward, where all of us have withheld information because we know that people's lives are at stake.

GREANEY: Well, I know of an incident where Bob Woodward was told that a story was false -- this was a year ago, related to the TWA hijacking -- where he put out the story about the CIA-trained counterterrorists in Beirut. That was a false story. He put it out. Then when they had the killing of the Navy man on the TWA hijacker, the tower said, "Why did you kill an innocent person?" And they said, "Remember the ones that were killed in Aba el-Bad (?)."

And that was a false story. It was investigated by the committee, and they found out it to be false.

BRAVER: ...I think is whether or not -- I think the question that Carol asked here is whether or not reporters are patriots. And I think that it's totally unfair to suggest, as some people do, that reporters are not interested in...

DIAZ: Well, there's a middle ground here, though. You don't have to go so far as to say that reporters are not patriots or are disloyal to say that they may or may not understand the significance of what they've gotten.

Now, the Libyan cables and the President's disclosure, that is one case. But you also have cases where people in middle levels of government have access to very sensitive information. And if they don't know what they're doing, how could we expect a reporter to?

RANDOLPH: So what would you do?

DIAZ: Which argues that -- and this is a point where I do agree with Mr. Casey. And that is that when a news institution has access or stumbles across something that appears to be extremely sensitive, there's no reason why that organization should not talk to the government about what they've found.

I'm not saying...

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RANDOLPH: You mean checking out whether or not this is...

DIAZ: Yes. Check out and find out the level of the sensitivity and discuss that.

Now, I know that's done by many institutions, and it should be done.

RANDOLPH: So why are you on a hit list? I mean I'm just curious...

DIAZ: We'd like to know that, too.

ANDERSON: I think there's a basic misunderstanding on this side of the room as to what exactly a leak is. I think there's a general perception on the part of the intelligence agencies and the White House and the public that a leak -- your telephone rings and you say, "Hello. This is Ken Anderson, Leak Central, here." And you get it, and all set.

BRAVER: Let me give him my phone number.

[Laughter]

ANDERSON: What happens is that I read the newspapers, I read the foreign newspapers, I read the FIBUS (?), I read other wires, talk to embassies, pick up a tip, a hint. Three out of four are wrong. I keep pursuing it. If I get one confirmation, I don't stop there. I go get three or four. And it's a sense of building a mosaic.

It is not something that falls into my lap. It is something that I go out and pursue. And, obviously, I have no coercion over the people I talk to.

RANDOLPH: So we're not talking a Deep Throat kind of a situation here.

ANDERSON: I can't force them to leak to me. I can ask them questions, and they know what I haven't known so far. And they think, and I think quite correctly, that they have a responsibility to steer me in the direction of accuracy. And if that involves some information which happens to be on a classified document, that does not mean that that bit of information is in fact the only thing that makes that document classified.

RANDOLPH: So how would you handle that, Jim? As Tom was saying, let's say you come across something that you're not quite sure whether or not it is infringing on, perhaps, national security. Would you go, would you check?

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ANDERSON: Of course. Of course.

RANDOLPH: So you draw lines here.

ANDERSON: And if I -- well, an example, the best example I can think of. During the Iranian hostage crisis, by the simple method of counting and knowing who was then in there, knowing from the families in the United States, we knew, I knew that there were six hostages short. We knew and we deduced, and correctly as it turned out, that they were hidden someplace in Teheran. There was no question of our going with that story, 'cause we did not -- obviously, didn't want to tip off the Iranians.

And when it finally was tipped off by a Canadian newspaper, as it happened, then we went with the country. But to my knowledge, not only did we at UPI know the story, the New York Times did, NBC, and I can't tell you how many others. There was no question of going with the story.

RANDOLPH: We're going to have to go to a break here. When we come back I'll let you finish up your point.

I'd like to also get into how the NBC -- that NBC story about the alleged terrorists. And we'll find out where we are with that.

* * *

RANDOLPH: We're talking about national security and the press. We've closed our poll. We asked the question: Should members of the press who disclose national security issues be liable for prosecution? And 69 percent of you said yes and 31 percent of you said no.

John?

GREANEY: If you leave it to the American people, they'll vote right.

[Laughter]

DIAZ: What was the...

RANDOLPH: National security was the issue. All right.

DIAZ: Right away we're at the problem of definition. Now, I could certainly agree with John, for example, that there are certain kinds of classified information, the disclosure of which ought to be -- subject the person who disclosed it to criminal prosecution. But national security is such a broad

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word. And I have seen classified documents, and I've been in the government and seen classified documents that are classified solely to protect someone from embarrassment...

RANDOLPH: From embarrassment.

DIAZ: Or because it's easier. Just like it's easier for a lawyer to give yo the advice not to do something, it's easier for someone in government to take out a stamp and hit it.

BRAVER: The embarrassment issue, I think, is really key here. And I think Jim started to get to it at the beginning. That what you have frequently, when people go after reporters for disclosing information that's classified or secret in some way, is a desire by someone to save themselves from embarrassment or to control the nature of the debate. If you only release certain information, then you can only talk about certain information. If you only release information that the Contras are freedom fighters, you can only discuss the Contras as freedom fighters. If you also release information that Contra funds have been siphoned off into personal bank accounts, then you have a whole other agenda to discuss.

This is a way of controlling the debate.

GREANEY: That's a different problem, though.

RANDOLPH: It's time for a phone call, John. Just a moment. Let me try for a phone call.

Go right ahead....

WOMAN: I have always wanted to be a journalist. And I never looked at the press as a spokesperson or the spokespeople for the incumbent President. And I don't think it's unfair to ask the press to be that way [sic].

RANDOLPH: All right. I don't think anybody has said that's their role, either. To be a spokersperson for the President?

ANDERSON: No, certainly not. But on that same point, we were talking about patriotism, duties and responsibilities of citizens. I, as a journalist, have a duty and a responsibility, which comes close to being patriotic, is to find out as much as I can, as a working journalist, and to try to determine the truth, and then to distribute that truth.

If, in the course of it, I come across something that somebody convinces me is so secret that it would harm the

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national security, of course I would listen to it. But my duty as a journalist is to support the First Amendment.

RANDOLPH: And you assume that the American public can understand and decipher this information on their own.

ANDERSON: Yeah. It's not my First Amendment. It is the public's right to know. I'm just a channel.

GREANEY: But there is nothing in the First Amendment that says a right to know, though, Jim. That's a misconception on the absolutist of the First Amendment. The First Amendment says there'll be no law passed which abridges a free press. And the idea is that that doesn't say a right to know. That's an interpretation that the press has picked up and gone with.

ANDERSON: It's implicit in that amendment and the rest of the Constitution.

RANDOLPH: But let me just move us away just a minute from that and to this issue about coverage here, this Abul Abbas interview that was done. Was NBC compromised in that? There seems to be a real debate about it, some saying that actually the government knew -- they're going after NBC because of the fact they don't have any idea how to track down the terrorists.

What's going on here?

ANDERSON: I think the NBC decision was a disgrace. I think that a professional journalist does not make deals with his sources like that. You wouldn't make a deal that us that -- with me saying, "I'll come on, but as long as you don't ask me about what kind of car I drive." You don't make deals.

RANDOLPH: Anybody else with a different point of view?

GREANEY: I support that. I think that was an abominable thing. They're an accessory after the fact in the crime situation. He's an indicted fugitive and they need to get hold of him. And I think it was despicable they did it.

RANDOLPH: Well, there were quite of people that were going after him. A few people -- I believe the New York Times, in fact, turned it down under the conditions that were given.

But what about the fact, the public's right to know? Does that...

GREANEY: I don't support that theory.

HETU: You know, I think there's so much time and energy

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wasted arguing, that if there was a little trust and respect on both sides, you could work this problem out.

When I was at the Central Intelligence Agency, I worked with newsmen very carefully. I worked with some of the people you've mentioned. They called me and told me when they had a story. And I would say, "Well, this fact gives me gas. This fact makes me bleed, because you've used the name of an agent or a source. And it doesn't do any good for your story. Please take it out." And they did. They believed me.

DIAZ: I can't name the names of people, but I have talked to several people who I can comfortably say are in very high levels in the intelligence community, and some of them agree and feel very strongly that we've gotten to the point now where on the government's side, the government is so withholding of information that it's hurting itself in the long run because it forces those of us on our side to ferret out wherever we can get it. And they would like to see more open...

RANDOLPH: But how did it get to the stage that it is right now?

HETU: Isn't there some way that these sorts of things could be mediated by a central party of some sort?

[Negative responses and confusion of voices]

GREANEY: ...protect intelligence. You've got to consider that.

BRAVER: It has to be between the people who are reporting and the people they cover. And you're lucky when you have a good relationship with someone who can say to you...

RANDOLPH: Who you respect, also.

BRAVER: ..."If you disclose this" -- I've had it happen to me both ways. I had one situation where I wanted to do a story on Robert Vesco and his activities in Cuba. And the Justice Department called me in and told me that to run it would be a problem, it could spoil an ongoing operation. And I discussed it with my bureau chief and with the CBS Evening News. We agreed we wouldn't run it.

It was a Friday. On that Sunday, Family Weekly came out with a story that had everything in it. We went to the Justice Department on Monday and said, "What about it?" They said, "Okay, run it."

And that's the kind of thing that makes you lose faith.

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On other occasions I have been asked to hold off on running stories until someone was picked up who was going to be arrested. And of course we do. We don't want to be responsible for having people escape.

RANDOLPH: ...You're on the air.

MAN: I have great respect for both the security and intelligence information community, as well as the press. However, my problem seems to be that the security community has such a broad line on what national security is, and it seems so personal sometime. And I think that the press should bring a lot of these stories out that have not come out.

And I'd like to know what the panel feels on where does the line start and where does it end.

RANDOLPH: All right. I'll tell you what. We'll take a break, come back and try to answer your question.

* * *

RANDOLPH: Let's get back to that caller's point about the security issue, about whether or not -- how do we define it? And I guess that's where we are here. How do you define what needs to be covered and whether or not these guys ar really infringing, perhaps, on individual rights.

DIAZ: There are certain things, as a journalist, that I think absolutely should not be reported. And it gets back to this question of the communications statute, whatever it is, of 1950 that Mr. Casey is trying to enforce.

One, inexcusable to publish anything that would compromise an ongoing intelligence-collection operation. And journalists don't always know if that will have the effect.

Absolutely not anything that will hazard the lives of people who are in the intelligence community. Or -- and this is where it gets a little difficult to tell -- the rebound effect of that. And that's what some of the big debate was about Bob Woodward's articles last year, whether or not that had an effect on it and, in effect, caused the TWA hijacking.

But those two factors, compromising ongoing security and threatening somebody's life.

RANDOLPH: But Tom, how does that cover, for example, those spy trials? And what about the issue about the launching of satellites that in fact would carry the means to observe the Soviet Union? I mean is that, again, national security, the fact

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that we were told that the shuttle was going up and it was carrying this satellite?

GREANEY: Well, Carol, let's go back to the spy trials first. Once the government makes the decision to prosecute in an espionage case, the material has already been considered, what will be made public. That's very true.

What Mr. Casey was saying about the Pelton case was that he didn't want a lot of speculation that was going to go into hypotheses and things.

BRAVER: Isn't that incredible, that he would suggest that people not be allowed to speculate?

GREANEY: Well, it's a very dangerous area.

BRAVER: Doesn't that even make you a little nervous, that someone is suggesting that...

GREANEY: No, it doesn't bother me at all, because speculationcan be very...

BRAVER: ...people in this country can't speculate on something?

ANDERSON: He thinks the Soviets can't speculate?

GREANEY: They can speculate, but confirmation is another problem. The narrowness of that statute...

ANDERSON: But my speculation doesn't confirm anything.

BRAVER: And that statute does not even -- as I understand it, does not even mention speculation. That's something, just a little tidbit that Mr. Casey put into this.

GREANEY: As a warning. It was a warning. That's all.

RANDOLPH: Warning? Are you sure that's all? As someone said, it's a chilling effect.

GREANEY: Why?

RANDOLPH: Has there been a chilling effect.

[Confusion of voices]

GREANEY: ...the difference between chilling and warning. I don't understand the difference.

RANDOLPH: A chilling effect is that someone will not

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do perhaps as aggressively as they would do on any other occasion.

GREANEY: They were very aggressive in covering that trial. I don't think it inhibited any coverage of that trial.

BRAVER: And part of that reason was that some of the things that Mr. Casey went after -- for example, the disclosure of one of the code names -- was something that had been revealed during a pretrial hearing. There was a later decision not to talk about it during the trial itself, but it was something that a lawyer said during pretrial.

Part of the problem was that I think that you had a sense from Mr. Casey and from the head of the NSA that they were losing control, and they were very nervous about the trial. One of the...

RANDOLPH: Was that the basic issue, control?

BRAVER: One of the Justice Department attorneys who was involved in negotiating with the NSA and the CIA over how the case would be tried said to me, "This is open-wound time for them. Every day this stuff gets talked about in open court hurts them. And they are very, very nervous about it because it has never happened before."

But believe me, everything that was talked about in that trial had been sanitized pretty much. And the Russians had it.

GREANEY: But Rita, this is what happens in every trial. In every prosecution for espionage, you have the same hand-wringing as to how much you're going to have to give up.

BRAVER: That's exactly right.

GREANEY: It's a very serious problem.

BRAVER: And the NSA has traditionally been the most secret of the intelligence -- part of the intelligence community. And yet I heard things in the courtroom that I had only read about without having actual confirmation before. So here the government was standing up and saying, "Yes, you're hearing from top officials of the NSA admitting on the scope of U.S. ability to intercept Soviet signals." It never had been discussed before. And I can understand that people were nervous about this. It certainly is...

ANDERSON: Could I go back to something that Herb said before which may supply some kind of an answer to this: that there should be and has been a working relationship between the

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intelligence agencies and the press which has worked to the benefit of national security.

The best example that I can think of was the Glomar Explorer case, which was well known to several journalists. Colby went around town. Anybody who had a piece of the story was told, "We'll tell you about it, but you have to hold it. You hold it until" -- and everybody said, "Well, we'll hold it if the other guys will hold it." And eventually it did hold until as much as the submarine as they could...

GREANEY: Unfortunately, your namesake was the one that blew it.

ANDERSON: Yeah. But by then, of course, the sub had been brought up and...

GREANEY: But it prevented the rest of the thing being acquired.

RANDOLPH: But that's your point about having that kind of relationship, which I gather, as Rita was saying, it either is a one-on-one basis or it just doesn't exist at all.

BRAVER: And Mr. Casey can be extremely selective about who....

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